REMARKS

The Office Action of January 24, 2008, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

The Abstract of the Disclosure is objected to on formal grounds.

Claims 14-27 are rejected under 35 U.S.C. 112, 2nd paragraph.

Claims 14-17, 19 -21 and 23-27 are rejected under 35 U.S.C. 102(b) over the patent to Speich, et al.

Claim 18 is rejected under 35 U.S.C. 103(a) over Speich, et al. in view of the patent to Duhamel.

In connection with the Examiner's rejection to the drawings, applicant has cancelled claim 18. Furthermore, relative to claim 22, applicant submits that the features of this claim are illustrated in Fig. 4 and described on lines 13-17 of page 6 of the specification of the present application. In view of these considerations, it is respectfully submitted that every feature of the invention specified in the claims is shown in the drawings. Thus, it is further respectfully submitted that the objection to the drawings under 35 C.F.R. 1.83(a) is overcome and should be withdrawn.

Regarding the Abstract of the Disclosure, applicant has cancelled the Previously presented abstract and provided a new abstract herewith attached to a separate sheet. With the submission of this new Abstract of the Disclosure it is respectfully submitted that the objection to the Previously presented abstract is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has cancelled claim 18, amended claims 14 and 22, and added new claims 28-30.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations, it is respectfully submitted that the rejection of claims 14-27 under 35 U.S.C. 112, 2nd paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Spiech, et al., it can be seen that this patent discloses a device for controlling the transverse movement of at least one thread in a textile machine.

The present invention has a lifting device 22,70 which is comprised of lifting knives 24 that mechanically oscillate between two positions and selectively engage drivers. Such lifting devices 22,70 are well known devices, such as described in U.S. Patent No. 3,835,894 and U.S. Patent No. 5,513,676. The lifting knives 24 of the present invention correspond to impact elements 11 and 12 of US 3,835,894 and lifting knives 8 of US 5,513,676. The lifting device of the present invention is a mechanical device with lifting elements that oscillate between two positions.

The lifting device of Speich, et al. is stationary and the lifting action is not performed by lifting knives oscillating between two positions but instead by a system comprising a dragging element (which corresponds to the inventive drivers) mounted between two springs and freely oscillating at a natural frequency f according to:

$$f = \frac{1}{2\pi} \sqrt{\frac{c}{m.}}$$

Where m=oscillating mass and c=spring constant. The driving force is provided by the swinging system of the mass and the two springs acting in opposite directions on the mass end by no means by a lifting device with lifting knives. It is the expressly

stated object of Speich, et al. to avoid lifting knives. Therefore, the presently claimed invention cannot be disclosed by Speich, et al.

Applicant submits that the Examiner's stance that the arresting devices 12,14 of Speich, et al. act as damping devices is incorrect. In the present invention, the driver is bend-resistant and the damping means serve to damp the coaction of the driver 4,44,68 with the retaining device 28,60.

In Speich, et al. the arresting devices 12,14 (which correspond to the inventive retaining device 28,60) do not act as damping devices but on the contrary they are magnetic devices attracting the dragging element and thus they effect an action which is contrary to the present invention. The attracting action of the magnetic device results in hard impact, a result which is to be avoided according to the present invention.

Furthermore, applicant submits that the Examiner's statement that dragging elements are connected to springs 6 and 8 that are elastic damping means is not correct. In Speich, et al., springs 6,8 are located behind the corresponding arresting devices 12,14 and not between the driver and the arresting devices as recited in the presently claimed invention. Furthermore, the springs are draw springs which would increase the attracting action of the magnetic devices.

The Examiner further states that Fig. 8 of Speich, et al. shows an actuator with permanent, oblique magnet means with poles in line with the direction of movement.